

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings add glue 3a (and associated reference characters and lead lines) in Figure 1a.

Attachments: One (1) Replacement Sheet (FIGs. 1a, 1b, and 2)
One (1) Annotated Marked-up Drawing (FIGs. 1a, 1b, and 2)

REMARKS/ARGUMENTS

In this Amendment, Applicant make amendments to the specification and drawings, as discussed below. Applicant also makes amendments to claims 1-8 to improve clarity. No claim amendments are made in response to the Examiner's objections or rejections. No new matter is introduced.

Prior to entry of the Amendment, claims 1-8 were pending in the application. After entry of the Amendment, claims 1-8 remain pending in the application.

In the Office Action, the Examiner withdrew the restriction requirement; objected to the specification; objected to the drawings; rejected claims 1, [3], and 8 under 35 U.S.C. § 112, ¶ 1; rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,298,853 B1 to Blake ("Blake"); and rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Blake.

Objections to the Specification

Applicant amends the specification to recite "[f]igure 2 shows in diagrammatic representation a device for preventing transmission of bodily fluids during sexual relations according to a second embodiment of the invention" and "[s]ince the second part 4 extends at least a little into the urethra 5, the outer parts of the urethra 5 and the top of the glans are also protected after the membrane 6 has burst."

Applicant submits that these amendments obviate the Examiner's objections to the specification.

Objections to the Drawings

The attached sheets of drawings add glue 3a (and associated reference characters and lead lines) in Figure 1a. Additionally, Applicant submits that Figure 1a shows inner side 3 formed as a substantially flat or weakly bending disk.

Applicant submits that these amendments and arguments obviate the Examiner's objections to the drawings.

Rejection Under 35 U.S.C. § 112, ¶ 1

Applicant amends the specification to add the following language that parallels the recitations of claims 1, [3], and 8: “[t]he device may be formed of an elastic material,” “[i]nner side 3 may be formed as a substantially flat or weakly bending disk as shown, for example, in Figure 1a,” “[b]y itself, the first component is non-adhesive,” and “[f]or example, the inner side 3, coated with the first component, may be applied to the man’s glans, coated with the second component.”

Applicant submits that these amendments obviate the Examiner's rejection of claims 1, [3], and 8 under 35 U.S.C. § 112, ¶ 1.

Rejection Under 35 U.S.C. § 102(b)

Independent claim 1, as amended, recites, inter alia: “wherein at least a portion of the inner side coated with glue to fix the device to the sexual organ of the second person” and “wherein the second part is designed to rupture upon ejaculation of the second person.”

Applicant submits that Blake does not disclose using glue to fix its bilaterally symmetric abbreviated condom to a penis. To the contrary, viscous layer 29 of Blake “is not an impediment to the positive interior pressure of the ejaculation.” Blake, c. 8/ll. 16-17. Thus, layer 29 of Blake may be viscous, but it is not glue. Additionally, Applicant submits that Blake does not disclose

its bilaterally symmetric abbreviated condom as “designed to rupture upon ejaculation.” Instead, Blake discloses at least two seminal fluid reservoirs 14 and 24, indicating that it’s designed not to rupture upon ejaculation. Therefore, because Blake does not disclose, either expressly or inherently, every element set forth in claim 1, Applicant submits that Blake does not anticipate claim 1 under 35 U.S.C. § 102(b).

Applicant further submits that Blake does not anticipate any of dependent claims 2-8 under 35 U.S.C. § 102(b), at least for the same reasons that Blake does not anticipate claim 1.

Rejection Under 35 U.S.C. § 103(a)

As discussed above, Blake does not disclose, either expressly or inherently, every element set forth in claim 1. For similar reasons, Applicant further submits that Blake does not teach or suggest every claim limitation in claim 1. For at least these reasons, Applicant submits that claim 1 is patentable over Blake under 35 U.S.C. § 103(a).

Applicant further submits that dependent claims 2-8 are patentable over Blake under 35 U.S.C. § 103(a), at least for the same reasons that claim 1 is patentable over Blake.

Request for Reconsideration and Allowance

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1-8 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Director of the USPTO is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for

any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; in particular,
extension of time fees.

Respectfully submitted,

~~HARNESS, DICKEY, & PIERCE, P.L.C.~~

By _____

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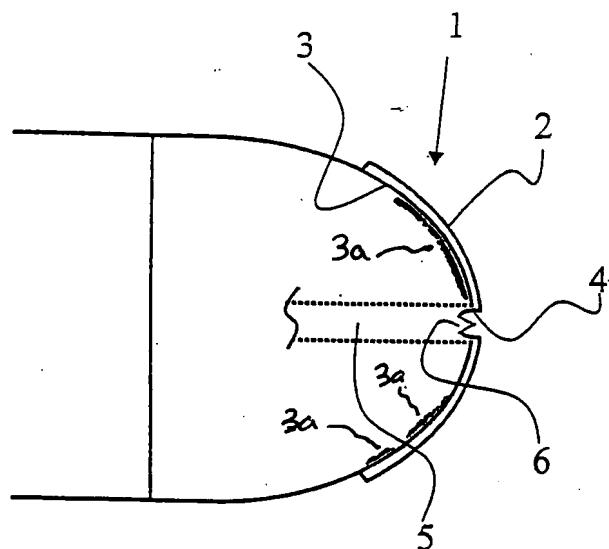


Fig 1a

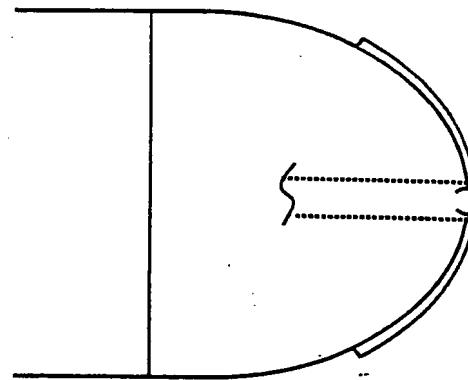


Fig 1b

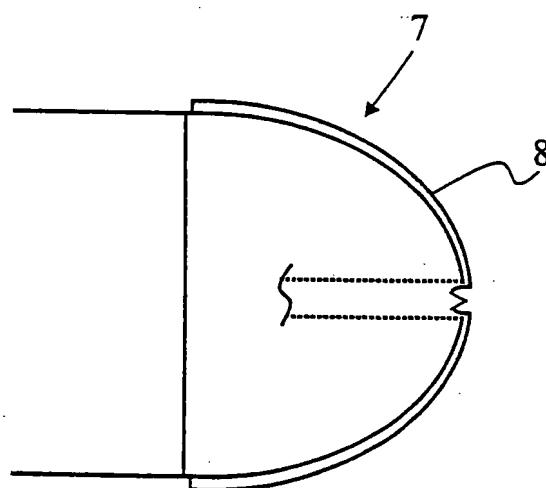


Fig 2